

SENATE BILL No. 486

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-5-37.9.

Synopsis: Perry superior court. Establishes a superior court in Perry County. (The introduced version of this bill was prepared by the commission on courts.)

Effective: July 1, 2004.

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January 13, 2004, read first time and referred to Committee on Judiciary.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 486

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-5-37.9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]:

4 **Chapter 37.9. Perry Superior Court**

5 **Sec. 1. There is established a court of record to be known as the**
6 **Perry superior court (referred to as "the court" in this chapter).**
7 **The court may have a seal containing the words "Perry Superior**
8 **Court, Perry County, Indiana". Perry County comprises the**
9 **judicial district of the court.**

10 **Sec. 2. (a) The court has one (1) judge, who shall be elected at**
11 **the general election every six (6) years in Perry County. The**
12 **judge's term begins January 1 following the election and ends**
13 **December 31 following the election of the judge's successor.**

14 **(b) To be eligible to hold office as judge of the court, a person**
15 **must be:**

16 **(1) a resident of Perry County;**

17 **(2) less than seventy (70) years of age at the time of taking**



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office; and

(3) admitted to the practice of law in Indiana.

Sec. 3. The court has the same jurisdiction as the Perry circuit court.

Sec. 4. The judge of the court has the same powers relating to the conduct of the business of the court as the judge of the Perry circuit court. The judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

Sec. 5. The judge of the court shall appoint a bailiff and an official court reporter for the court. Their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Perry circuit court. Their salaries shall be paid monthly out of the treasury of Perry County as provided by law.

Sec. 6. The clerk of the court, under the direction of the judge of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

Sec. 7. The court shall hold its sessions in the Perry County courthouse in Tell City or in such other places in the county as the Perry County executive may provide. The county executive shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary. The Perry County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

Sec. 8. The jury commissioners appointed by the judge of the Perry circuit court shall serve as the jury commissioners for the court. Juries shall be selected in the same manner as juries for the Perry circuit court. The grand jury selected for the Perry circuit court shall also serve as the grand jury for the court as may be necessary.

Sec. 9. The judge of the Perry circuit court may, with the consent of the judge of the court, transfer any action or proceeding from the circuit court to the court. The judge of the court may, with consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

Sec. 10. The judge of the Perry circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if an elected judge of the court. The judge of the court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if an elected judge of the circuit court.

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1 **Sec. 11. The court has a standard small claims and**
2 **misdemeanor division.**

3 SECTION 2. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding
4 **IC 33-5-37.9-1, as added by this act, the Perry superior court**
5 **added by this act is not established until January 1, 2005.**

6 (b) The governor shall appoint a person under IC 3-13-6-1(c) to
7 serve as the judge of the Perry superior court.

8 (c) The term of the judge appointed under subsection (b) begins
9 **January 1, 2005, and ends December 31, 2006.**

10 (d) The initial election of the judge of the Perry superior court
11 is the general election on November 7, 2006. The term of the
12 initially elected judge begins January 1, 2007.

13 (e) This SECTION expires January 2, 2007.

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